LEGISLATIVE COUNCIL

Thursday 22 February 1990

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:
By the Attorney-General (Hon. C.J. Sumner)—
Commissioner for Equal Opportunity–Report 1988-89.

QUESTIONS

WORKCOVER

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister of Small Business a question about WorkCover penalties.

Leave granted.

The Hon. R.I. LUCAS: A small Adelaide carpet retailing firm has drawn my attention to the draconian penalties being imposed by WorkCover on small businesses which are late in paying levies. In documents given to me it appears that this firm was 24 days late in paying its December 1989 levy of $593.93 and was notified that it would have to pay a fine of $214.03. It was also threatened with legal action if the $214.03 was not received within 14 days.

More disturbingly, however, is WorkCover's apparent ability to impose a fine of up to 300 per cent—in this case $1 781 on a $593 levy—had this company been late with its payments on just three other occasions. Even a second time late payer, who is 24 days late in making payment, is fined 150 per cent of the levy they are to pay.

It has been put to me that, while many organisations have the capability to impose fines on individuals or bodies which make late payments, nothing comes near WorkCover's ability to exact harsh penalties from late payers.

The Hon. R.J. Ritson: Worse than drink driving, isn't it?

The Hon. R.I. LUCAS: Much worse. If a finance company or even a local council imposed penalties of the type WorkCover do, I am sure the Minister would agree that there would be a public outcry.

It is interesting to note that another Government body, the Australian Taxation Office, is legally entitled to charge only a maximum 20 per cent culpability penalty plus 20 per cent per annum penalty on a daily basis to dissuade late payments. In practice, however, I am advised that it only charges a 4 per cent culpability penalty plus the 20 per cent per annum impost. If that were to apply to the example quoted, that would mean that this carpet retailer would be up for a fine of just $31.57 for late payment, which seems far more equitable than the draconian measures WorkCover appear to be taking to obtain its levies. My questions are:

1. Does the Minister agree that the penalties are draconian and a further cost impost and disincentive for small businesses struggling to survive in South Australia?

2. Will the Minister take up this matter with the Minister of Labour to see whether a review of WorkCover's penalties is possible?

3. Does the Minister accept that some Government departments and bodies are notoriously late payers, and what is current Government policy on ensuring prompt payment by Government departments and bodies?

The Hon. BARBARA WIESE: Certainly on the strength of the information that the honourable member has provided it seems that the amount of penalty payment that has applied in the case of the company to which he refers was very steep. I do not know what the provisions are for WorkCover, or the principles on which WorkCover bases its penalties for late payment. I will certainly take up the issue with my colleague, the Minister of Labour, and bring back a full report on those circumstances and on what the practices of WorkCover are.

As to Government departments and the payment of accounts, this is a matter that was addressed within the State Public Service quite some time ago. All Government agencies have been encouraged for at least two or three years that I know of—

The Hon. R.I. Lucas: Encouraged or obliged?

The Hon. BARBARA WIESE: Well, encouraged, obviously. The point I was going to make was that during the past few years the policy of the Government has been to ask departments, when meeting their commitments, to pay promptly and to pay within 30 days, if that is at all possible. There have been, I believe—although this is not a matter which is within my responsibility—surveys from time to time of Government departments to see what their performance in this area has been, and during the past few years there has been a significant improvement in the payment record of Government agencies. In the case of my own agencies, I have asked these questions from time to time to get a feeling for how well they are complying with the Government requirement.

The Hon. L.H. Davis: And what is the answer?

The Hon. BARBARA WIESE: Well, in recent times I have been reasonably pleased with the performance. In past years, the performance in those agencies has not been as good as it could have been, but much more attention has been paid to these things in recent times, as I have said. These days the reputation that Government departments have had in the past would not be as sustainable in as many cases. If we had the statistics before us, I am sure we would find that things have improved significantly. As to the question of WorkCover, I will refer the honourable member's questions to my colleague and bring back a report.

BOND GROUP OF COMPANIES

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the Bond group of companies.

Leave granted.

The Hon. K.T. GRIFFIN: Over the past 10 days or so there has been considerable public comment about action which may be taken in respect of the Bond group under the provisions of the Companies Code. Early reports indicated that Mr Bowen, the Federal Attorney-General, was pressing for the National Companies and Securities Commission to take proceedings against companies in the Bond group to afford protection for small shareholders. That seems to have lost out, with proposals for the appointment of a special investigator gaining support. If that occurs, there will be a considerable cost to the taxpayers through the National Companies and Securities Commission and State Corporate Affairs Commissions, and it is not clear where such an investigation will lead and whether shareholders will benefit from that. My questions to the Attorney-General are:

1. Does the Attorney-General prefer the appointment of a special investigator or civil action in relation to the Bond group?

2. What areas of activity would be targeted in a special investigation?

3. What is the likely cost of a special investigation?

4. What part would the South Australian Corporate Affairs Commission be expected to take in any special investigation.

5. When will the decision be made?

The Hon. C.J. SUMNER: This matter is currently before the Ministerial Council. When I have further information in relation to the matter, I will provide the honourable member with an answer.

FESTIVAL CENTRE CAR PARKING

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Arts a question on the subject of car parking.

Leave granted.

The Hon. DIANA LAIDLAW: When the Adelaide Festival of Arts opens on Saturday week, the Festival Centre will again be the focus of activity with all three venues—the Festival Centre, the Playhouse and the Space—utilised on most evenings during the three week period. Even at non-peak periods, I believe the collective view of most theatregoers in Adelaide is one of frustration, even hostility, about the lack of car parking spaces, the limited access route to such places, and the long delays regularly experienced by patrons seeking convenient car parks.

Members interjecting:

The Hon. DIANA LAIDLAW: If you actually attended, you would realise what I was talking about. The recent increase in charges to $6 on weeknights and $6.50 at weekends at the Kings car park is a further contentious issue. Certainly, last month when all three venues were used for the popular productions of *Big River, Lettice and Lovage* and *It Ain't Necessarily Rowe*, one tended to hear as many complaints about car parking experiences as one heard rave reviews about each performance. I am informed that surveys conducted from time to time by the Festival Centre consistently show that car parking hassles are a factor limiting bookings over all, or limiting the desire of patrons to attend performances more frequently. Meanwhile, access to the Torrens Parade Ground remains an *ad hoc* exercise, with car parking prohibited on most evenings. My questions to the Minister are:

1. In an endeavour to ease car parking problems for patrons wishing to attend Festival Centre facilities and nearby events, such as Writers Week and the like, during the Festival period, will the Government seek to negotiate access to the Torrens Parade Ground for parking on each day and evening for the duration of the festival?

2. Recognising that the Government has just spent some $11 million upgrading the Festival Plaza—and that part of the rationale for that expenditure was to make the area more attractive for general public use—what plans, if any, does the Government have to address the longstanding car parking and access route problems, which I am advised from people at the Festival Centre are undermining the appeal of the centre among patrons and prospective theatregoers?

The Hon. ANNE LEVY: I am well aware of the problems relating to car parking for the Festival Centre, particularly when all three auditoria are in use on the same evening, as will certainly occur frequently throughout the forthcoming festival. The car parking problem is certainly not an easy one to resolve. Of course, it has been greatly improved since the Kings car park became available. When there was only the Festival Theatre car park, the situation was much worse than it is now.

Of course, the Festival Centre itself looks after the Festival Centre car park which adjoins Parliament House, but has no responsibility for the Kings car park, and certainly is in no way able to influence the charges made in that car park. It is run by private enterprise—which I am sure the honourable member would approve of—and, presumably, they set what charges they feel the market can bear. As far as I know, the Kings car park is full whenever the three venues at the Festival Centre are in use.

I would be happy to make inquiries as to whether any approaches have been made regarding use of the Parade Ground. I know that the Festival Centre Trust has in the past approached the Army, which controls the use of the Torrens Parade Ground and, as the honourable member knows, that has been made available for car parking on numerous occasions. However, I would be happy to check whether the Festival Centre Trust has, in fact, done this for the special period of the festival.

The Government certainly has no plans for constructing more car parks in the area. I am not quite sure where they could possibly be placed. It seems to me that, whenever any suggestion comes up about a greater use being made of the Parade Ground, immediately 500 organisations have valid reasons for using that land on a temporary or permanent basis. In some ways it may be as well that the Commonwealth Government, through the Army, will not contemplate it being other than the Torrens Parade ground.

Of course, there are other car parks, not within the immediate vicinity of the Festival Centre but throughout the city of Adelaide, many of which are within five to 10 minutes walking distance from the Festival Centre. I know people who, when attending performances at the Festival Centre, choose to park in car parks such as the John Martins car park or the Pirie Street car park.

The Hon. Diana Laidlaw: Because they know of the problem.

The Hon. ANNE LEVY: Because they are aware of the problems close to the Festival Centre and they allow themselves sufficient time to park there with no problems and to walk to the Festival Centre. Quite apart from the lack of any suitable location for a car park close to the Festival Centre, in view of the provision of car parks within walking distance of the Festival Centre, I doubt that any suggestion to put further Government resources into car parks would be welcomed by many people.

FOURTEENTH WORLD ENERGY CONGRESS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Mines and Energy, a question about the Fourteenth World Energy Congress.

Leave granted.

The Hon. I. GILFILLAN: I believe that the Department of Mines and Energy sent a senior representative to the Fourteenth World Energy Congress. In relation to that congress, I quote from *Energy Today*, November 1989, which describes the character of this congress:

> The Fourteenth World Energy Congress was held for a week this autumn in the grandiloquent halls of the Palais des Congress in Montreal, Canada. A triennial event, it was attended by some 4 600 delegates from over 70 nations, paying £1 400 each to attend. Practically every one of them worked at a senior level in the energy supply industry, either amongst the generators and distributors of fuels, or the equipment makers for power stations or gas pipelines.

Mr John Wakeham, Britain's new Energy Secretary, chose this occasion 'to announce the most significant alteration

in his department's policies for some while'. The report states:

'We have to prepare ourselves for the likelihood that the world's energy economy cannot continue as in the past, and that the cost of change could be very great', said Mr Wakeham. 'Energy efficiency is the single most cost-effective response to the effort to limit carbon dioxide emissions.'

The report continues:

John Wakeham was far from alone in recognising the relevance of these extra dimensions to energy policy. In a thoughtful unscripted address, the European Community's Energy Commissioner, Antonio Cardoso e Cunha emphasised how much the new environmental awareness had shifted the main thrust of geopolitical thinking towards ameliorative measures like energy conservation. None too subtly, he encouraged the World Energy Conference to dwell more upon these aspects than the more traditional supply lead approaches.

Later, it states:

Nils Holman, the Vice-President of Sweden's mammoth electrical utility Vattenfall, told delegates about his programs targeted to save energy. He used the conference as an occasion to announce his latest, intended to cut demand for his product by 1 terrawatt hour p.a. within the next five years, investing around a billion Swedish Krona to do so—and becoming Europe's energy saving trailblazer as a result.

In the light of the significance of this conference and the emphasis that it had on energy conservation (bearing in mind that it is in the nuts and bolts of energy production around the world, that considerable expense would have been involved in sending a representative from South Australia to that conference, and that to my knowledge there has been a resounding silence from the Minister or from the representative to this date), I ask the Minister to provide answers to these questions and to share this information with members of this Parliament.

Is the Minister aware of the Fourteenth World Energy Congress held last year and does he have knowledge of the outcome of the congress? Did the Government representative, Mr Malcolm Messenger, a senior officer of the Minister's department to this congress, make a report on the congress? If so, can a copy of the report be made available to Parliament? If not, will the Minister direct that a report be prepared and presented to Parliament?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

RETAILING

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Small Business a question about retailing.

Leave granted.

The Hon. L.H. DAVIS: The Australian Bureau of Statistics recently released details of retail sales for December 1989. December is the critical month for retail sales. However, the official figures reveal there were only grim pickings for South Australian retailers. In fact, retail sales in money terms fell by .6 per cent from $715.3 million in December 1988 to $711.3 million in December 1989. After taking into account inflation running at around 7.5 per cent per annum, there has been a decline in retail sales of over 8 per cent in real terms. It certainly was much worse than the industry predicted.

In fact, the anecdotal evidence is that the decline in retail sales has steepened in the months of January and February. There is a feeling of despair in the retail industry. While income has fallen in real terms by over 8 per cent, expenditure has been increasing at a much faster rate than the rate of inflation. Not only have increases in wages and rents in many cases exceeded the rate of inflation, but there have been horrific increases in land tax for many retailers.

Understandably, the retail industry is resentful that the Government is unwilling to even recognise the need for immediate relief of land tax. Today I drove the 2.7 km along Unley Road between Greenhill Road and Cross Road. I was appalled to discover 34 'For Sale' or 'For Lease' signs on vacant shops and offices within that 2.7 km stretch.

Members interjecting:

The Hon. L.H. DAVIS: I am sure, as my colleagues around me interject, that there are many other examples not unlike the example I have mentioned in Unley Road. Arguably, Unley Road is one of the premier retailing centres in metropolitan Adelaide with councils, property owners and retailers all working hard to ensure that it remains a popular centre for shoppers.

The fact that so many shops are unlet or for sale confirms what one retailer told me: 'We are trudging through the valley of death. Some have already fallen by the wayside and many more will not make it up the other side.' The situation in retailing is at the desperation stage, as has been so starkly illustrated by the statistics that I have provided for Unley Road. My three questions are:

1. Is the Government aware of the desperate plight of retailing in metropolitan Adelaide?

2. Will the State Government, as a matter of urgency, convey to the Federal Government the problems facing the retail industry in South Australia, as the situation is quite clearly an indictment of unsuitable and inappropriate economic policies?

3. Will the State Government, as a matter of urgency, review its decision on land tax and investigate the possibility of providing relief to retailers and other businesses suffering from the savage increase in 1989-90 land tax assessments?

The Hon. BARBARA WIESE: I am certainly aware of the problems that exist in the retail industry and the difficulties that particularly small businesses are experiencing in this area. I was interested that the honourable member chose to quote certain statistics and provide information about particular aspects of the retail industry, but there are some other aspects of the structure of the retail industry and statistical information which he did not share with us but which had a significant bearing on the survival of people operating in this sector of our economy. In particular, two facts are worth considering.

First, South Australia has a higher proportion of retail outlets per capita than any other State in Australia and, secondly, South Australians have less discretionary income to spend in this area than have people in the other Australian States. That combination of facts alone indicates that a considerable number of problems are faced by the retail industry that are not affected by policy decisions by either the State or Commonwealth Governments.

As to the question of land tax, I refute the statement made by the honourable member that the Government has not provided relief to small businesses in South Australia in this area.

The Hon. L.H. Davis: A 60 per cent increase is some relief, isn't it!

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It is important to start from first principles when we are looking at the question of land tax, and keep reminding ourselves that land tax is a tax applied to property values. It is a tax upon landowners rather than tenants. One of the problems is that people who own properties choose to pass on the land tax to small business.

The Hon. L.H. Davis: There's nothing novel about that.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: There is nothing novel about that, but it is not correct that it should happen that way, because it significantly affects the capacity of small business to operate in the most appropriate locations. Unley Road, the area to which the honourable member has referred, is a good case in point. It is a shopping strip growing in popularity and is an important shopping area in Adelaide, but it also happens to be an area where there has been an enormous escalation in property values. That is very good for the people who own property, but they are passing on their land tax bill to their tenants, and their tenants capacity to pay—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —is not commensurate with the value of the property or presumably the capacity of the property owner to pay. As to the question of Government relief in this area—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Does anyone want to listen to my reply?

The PRESIDENT: Order! The Council will come to order. The honourable Minister has the floor.

The Hon. BARBARA WIESE: Over the past three years the Government has provided considerable relief in the area of land tax. Over the past three budget periods the Government has forgone about $70 million in revenue by raising the threshold before land tax is applicable. That has provided significant relief to many taxpayers in this area.

This financial year there have been some fairly steep increases in land tax (and we have freely admitted this), which unfortunately are being passed on to the tenants of particular properties, but the fact is that in South Australia 65 per cent of people in these circumstances have had bills commensurate with the CPI or less. Of the remaining group of people in the community, certainly some of them received very large increases. However, it is not true to say that immediate relief has not been given to those people, either. In fact, in the past month the Government has taken a decision to allow for an additional 60 days during which people can pay their bills.

The fact is that one of the problems for small businesses, in particular, is that this period—December, January, February, and into March in some cases—is one that is very difficult for many of them in terms of cash flow. The extension of the period during which they can pay their land tax bill will significantly improve the capacity of some small businesses to be able to meet their commitments, because for many of them the cash flow situation will have improved by that time. It may in fact mean that some people who otherwise might have had to borrow money to pay their land tax bill will not have to do so.

Since the decision was made, I have had in my office many inquiries from small business people who welcome the fact that they will now have an extended period of time to pay and they have been seeking information about exactly how it will work and when their bills will fall due. They welcome the relief that this Government is providing.

As to the long term, we recognise that it is desirable, if at all possible, to make changes to the system to overcome some of the very steep increases that some people have experienced during the past two or three years. A review is currently taking place with a view to making whatever changes can be made to the system before the next financial year, so that relief can be provided and greater equity built into the system. It is not an easy problem to resolve. Clearly, the easiest way to do it and to spread the burden would be to broaden the tax base—although I would like to hear from members on the other side of this Parliament, who are very good at complaining about the problems that exist, their suggestions as to how the problem can be overcome.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Are they suggesting that we should reintroduce the tax on the principal place of residence? Should we, for example, introduce the tax on properties used for primary production? These are the sorts of areas that will have to be looked at—and in fact have been suggested by some sectors of the small business community. They are not areas that this Government wants to entertain. Over the next few months the Government intends to review the current system and the current base, to the extent that it is possible to do so. We hope that the system will be a better one for the next financial year.

HENLEY AND GRANGE COUNCIL

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Henley and Grange council.

Leave granted.

The Hon. J.C. IRWIN: On Tuesday of this week the Minister of Local Government announced the Local Government Advisory Commission's advice on the matters before it regarding Woodville, West Torrens and Henley and Grange councils and the advice as contained in reports Nos 123, 124 and 125—copies of which I have not received through the normal channels, although I have managed to see them. As we now know, the commission advised the abolition of Henley and Grange council, with that council's area to be distributed between Woodville and West Torrens.

All reports were signed on 3 July 1989, with all the suggested arrangements proposed to come into force on 1 July 1990. The commission's chairman, Mr John McElhinney, was one of the signatories to the reports. Rather surprisingly, no statement made by the Minister of Local Government, including her ministerial statement to this Council, indicated that the commission's advice was not unanimous.

Indeed, one commissioner presented a minority report which contained a very significant and extremely perceptive view of the role of local government, with particular application to Henley and Grange. This commissioner has played a long and active academic and leading role in local government in this State and indeed in Australia. I hope that many people have the chance to read her dissenting report.

The Minister told us that, arising out of the Mitcham protest, she had set up a committee of review chaired by Mr John McElhinney, who is the chairman of the commission, and that for other than the Mitcham/Flinders proposal the Local Government Advisory Commission would not report on any issue before it until the committee of review had reported and, presumably, its recommendations had been debated and put into effect. The Minister qualified this, in answer to a recent question from me, and said that two matters of a non-controversial nature could proceed, and, on face value, we support that. The Minister also made it known publicly prior to the November 1989 election that no decision regarding Henley and Grange would be made until after the committee of review process had been completed.

Further, the Minister has reported that she asked the commission, following the 3 July 1989 report, whether it

was sure there had been adequate public consultation with the electors. One should bear in mind that the public and the electors at that time did not know the report's conclusion. We now know, through the Minister, that the commission has asked for more public consultation prior to proclamation of the enlarged areas of the two councils on 1 July 1990.

Knowing that the commission has advised the splitting of Henley and Grange, the Minister said that Woodville and West Torrens should now demonstrate to the commission the validity of that advice and that the three councils should consult with the commission to determine appropriate procedures for further consultation, which may include a poll.

The committee of review was set up specifically to (quoting from the Minister's statement to this Council of 23 August 1989):

> ... ensure any local government boundary change has the acceptance of most electors. It will specifically examine the role that electors' polls should have in the procedure as well as such alternatives as market research and public consultative structures of one form or another. The test for any propositions arising from the review will be their ability to identify residents' views and at the same time preserve an independent expert assessment process through the Local Government Advisory Commission.

My questions are:

1. Will the Minister give a commitment again that the commission will not proceed to a final recommendation on Henley and Grange until the review committee process has been completed and forms part of the commission's independent considerations?

2. Does the Minister still expect any new arrangements coming out of a final report from the commission will be in place by 1 July 1990?

The Hon. ANNE LEVY: To answer the second question first, I cannot be sure that any recommendations from the committee of review will be in place by July 1990 because I do not know what its recommendations will be. Obviously, if the committee of review reports to me in the month of May, and its recommendations require legislative change, that cannot be implemented before 1 July because it is not expected that Parliament will be sitting in that intervening period. However, if its recommendations do not involve legislative change it may be possible to have them implemented by 1 July 1990. I cannot answer that question without knowing exactly what its recommendations will be.

With regard to Henley and Grange council, I would certainly not expect any decisions on this matter to be finalised before the committee of review reports. However, I have made public the reports for public debate and further consultation on the recommendation of the advisory commission, which will be discussing with the councils what further consultation should occur. I certainly expect that the results of those consultations will be presented to the advisory commission, and that it will give me further advice in light of those results. However, as I have stated before, the advisory commission is an independent body and, while I would not expect to receive final advice from it before the committee of review reports, if it presents me with advice before that date, that is a matter for it to determine.

Finally, I am sorry if the Hon. Mr Irwin has not received copies of the reports of the advisory commission. I have great piles of them in my room in Parliament House. If anyone would like copies they are very welcome to have them.

BOTTLE DEPOSITS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister for Environment and Planning, a question about bottle deposits.

Leave granted.

The Hon. M.J. ELLIOTT: I think it is no secret that many people in South Australia were very disappointed when they heard the result of the High Court ruling in the case of *Castlemaine Tooheys Ltd and ORS v the State of South Australia.* I have had an opportunity to read the judgment of the High Court and will paraphrase some of the observations that were made. They are that the South Australian case made some mistakes in terms of its construction; that it narrowed itself down to look at just the finite energy resources in South Australia alone and did not look at the wider question of finite resources; and that it did not look at the possible impacts of the greenhouse effect.

The judgment also noted the fact that the legislation only affected bottles, not other containers; that in the overall scheme of things it was not having a large impact on energy conservation. It is quite clear from the judgment, besides the mistakes that were made by the State in its arguments (and there were a few of those), that it did see in general terms that it was possible for a State to legislate in a fashion similar to the way that we had, but it must be part of a more general legislative scheme. In other words, had we had legislation which tackled not only bottles but other containers and was perhaps even wider than that, looking more generally at the question of resource conservation, the case would have succeeded under the tests as applied by the High Court.

That being the case, I ask the following question: is the Government investigating a more general legislative scheme on container deposits more generally, involving not only bottles, or perhaps broader legislation on energy conservation?

The Hon. ANNE LEVY: I can vividly recall the debates when this Parliament decided to make the deposit on the bottles in question 15c, the amendment was moved by the Hon. Mr Elliott, and opposed by the Government on the grounds that this would lead to a High Court case which we would lose. So, one can say 'We told you so.' However, I will refer the details of the question to my colleague in another place and bring back a reply.

DRIVERS' LICENCES

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question about photographs on drivers' licences.

Leave granted.

The Hon. PETER DUNN: A constituent of mine approached me today regarding photographs on licences. He had travelled to Port Lincoln on business and while there, knowing that his five-year licence was due for renewal in May (a fair way down the track), and because he does not travel frequently to Port Lincoln, which is the nearest place for him to obtain his licence, he decided to go to the Motor Registration Division and have his photograph taken for his licence. My constituent then planned to take it home and, when his licence arrived, he would then be fully prepared and send it off. However, he was informed that, if he paid $80, he could have the photograph. As I understand it, that is the fee for the licence. He thought that was a bit rich. He thought he should be allowed to do it as he has planned. My questions to the Minister are: first, why must the applicant pay $80 before being able to receive a photograph for his licence? Secondly, why cannot the applicant

pay a minimum amount and obtain the photograph in readiness for the licence to be renewed, however far in advance it is needed?

The Hon. ANNE LEVY: From my own experience, one does not receive a copy of the photograph. The photo is taken, and one first sees it when the licence actually arrives. There is not a separate photo stage to which the driver has access. I am very happy to show my licence again to the Hon. Mr Dunn. Anyone who has received the new driver's licence will appreciate very much the fact that not only that the photograph may be a good, bad or indifferent one but also that the licence now clearly indicates whether the driver, in the case of an accident, is a donor of organs. That should certainly assist hospitals in their ability to be able to transfer organs from people who are unfortunately killed in road accidents. However, I will refer the Hon. Mr Dunn's questions to my colleague in another place and bring back a reply.

COUNCIL DRAINS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Local Government a question about council drains.

Leave granted.

The Hon. J.F. STEFANI: In November last year I visited St Peters resident Mr Arthur Di Ieso of 67 Third Avenue, who had been most upset and fed up with politicians, local authorities and anyone else in power at the way in which they did not want to know about him or his drainage problem. Mr Di Ieso said that he had complained for years to the authorities, including his local member of Parliament (Hon. Mr Crafter), about the drain which is outside his home and which is nearly always flooded with water, effluent and rubbish. Mr Di Ieso said that he also cops water and sludge from two streets away because his drainage connects with drains in First and Second Avenues. He said:

> I don't trust anyone, everyone runs for cover when they see me coming—no one wants to help, I don't believe anyone—would you like to live here, with this [drain]? And in winter the problem is even worse—I can't take this any more.

Two laneways between First and Second Avenues are also interconnected to the main drain, so that, when it rains, effectively four streets of water arrive straight outside his gate. He cannot step out of his car because the water is at least 12in (or 300 mm) deep.

The Hon. T. Crothers: Has he tried scuba gear?

The Hon. J.F. STEFANI: Yes, I think that is his next move. The residents in Third Avenue petitioned the St Peters council in October 1987 to have this drain problem rectified because the effluent is causing a health problem. The council has stated that it has no money. My questions to the Minister are: first, will the Minister investigate the problem of funding to the St Peters council? Secondly, will she seek from the council some sort of program to effect a completion of what I consider to be urgent work?

The Hon. ANNE LEVY: The problem of this constituent has not been drawn to my attention previously. It sounds as if I am the only member of this Chamber who has not had it drawn to their attention. I will certainly be happy to make inquiries of the St Peters council in this regard, but I would have thought the Hon. Mr Stefani would be able to make such inquiries himself. Perhaps they do not trust him any more than the constituent trusts any politician.

I point out that revenue raising of councils by means of rates is a matter for individual councils to decide, and that the expenditure of these resources and the priorities determined for that expenditure are also matters for councils to decide. Such a matter is a question for the St Peters council, and it is certainly not one in which I can intervene.

NATIONAL CRIME AUTHORITY

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about the NCA.

Leave granted.

The Hon. R.I. LUCAS: On Tuesday 20 February an article written by Marian Wilkinson and John Lyons, after some extensive research into the National Crime Authority, appeared in the respected newspaper, the *Sydney Morning Herald.* Part of the article, referring to the NCA, states:

> Its first report, after weeks of closed hearings, was completed by Justice Stewart and the head of the South Australian office, Mark Le Grand, shortly before the judge was due to retire. The 140-page report . . . criticised three individual police officers and questioned the South Australian Police Commissioner's oversight of the Internal Affairs Unit.

The article continues with further comment about the NCA. My questions to the Attorney-General are:

1. Can he confirm that report in the *Sydney Morning Herald* article that the first Operation Ark report completed by Mr Justice Stewart questions the Police Commissioner's oversight of the Internal Affairs Unit of the Police Force and, if so, what action, if any, does the Government intend to take over this matter?

2. Has the Bannon Government yet made a decision about the possible tabling of the first Operation Ark report? If the answer is, 'Yes, it will be tabled', when will it be tabled in the Parliament?

The Hon. C.J. SUMNER: I understand that there is some dispute between the Faris authority and the Stewart authority about the precise status of the so-called Stewart document. So, whether or not it was completed must at this stage remain a matter of some conjecture. However, I suggest that the appropriate forum to examine that matter is the joint parliamentary committee.

The Hon. R.I. Lucas: But it doesn't exist.

The Hon. C.J. SUMNER: It will exist again when the election is completed. As to the specific questions relating to the contents of the report, the answer to the first question is that I am not prepared to confirm or deny the suggestion in the Marian Wilkinson *Sydney Morning Herald* article. At this stage, the report has been referred to the Police Commissioner for comment.

As to the release of the report, I have said before that the Government has that matter under consideration at present, but no decision has been made about whether it ought to be released. I point out that the present authority—and indeed the authority when it was chaired by Mr Faris—is opposed to the release of the report because of the reasons outlined in Mr Faris's letter, which I have tabled in Parliament.

An honourable member interjecting:

The Hon. C.J. SUMNER: I understand that the present members of the National Crime Authority agree with Mr Faris's comments about the Stewart document and do not believe, for the reasons that Mr Faris has outlined, that it ought to be released. They believe it would be unfair to the individuals who are named in the report and, therefore, have expressed the view to Government that it ought not be released. However, they have made the point that, in the final analysis, it is a report to Government and the Government could choose to release it. In other words, the decision to release or not is one for the Government to take. However, it does place the Government in a difficult

position if the authority with which it is dealing—that is, the National Crime Authority—says that in its view the report ought not be released because of the reasons Mr Faris outlined; that then obviously has to weigh with the Government in making its determination on this matter.

The Hon. R.I. Lucas: Are you happy to release it?

The Hon. C.J. SUMNER: At this stage the matter is still under consideration by the Government. What I am saying is that the National Crime Authority does not believe that it ought to be released.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Yes, for the reasons specified by Mr Faris in his letter. The NCA has put that to us again, despite the fact that Mr Faris has gone. The authority, as presently constituted, is also of the view that the report ought not be released. It believes that the report is unfair to certain individuals named in it. In those circumstances, the Government obviously has to give careful consideration to whether it can be released. The report that was prepared by the Faris authority, which is, as far as the Government is concerned at least, the only official report that it has received, did deal with the question of Operation Noah and the investigations into the reporting procedures in that matter. It did make certain recommendations, which have been acted upon by the Police Commissioner, and it did, of course, as is on the public record, criticise police actions in certain respects. But it, like the Stewart document, did not find any illegality or corruption in the reporting of the manner in which the police dealt with the reporting of the Operation Noah allegations. So, that remains the bottom line: that there were no findings of corruption or illegality.

The Hon. R.I. Lucas: In the reporting?

The Hon. C.J. SUMNER: In the reporting or, as it subsequently turned out—

The PRESIDENT: Order! Time for questions having expired, I call on the business of the day.

The Hon. C.J. SUMNER: —when the matter was investigated, the 13 allegations—

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In just two seconds I will finish.

The PRESIDENT: Order! If I give you that latitude, I must give it to everyone.

The Hon. C.J. SUMNER: I have only one sentence to go. I therefore move:

That Standing Orders be so far suspended as to enable me to complete my answer.

Motion carried.

The Hon. C.J. SUMNER: I moved that motion because the Hon. Mr Lucas interjected, and I had not had an opportunity to respond to his interjection prior to the end of Question Time being called. He said, 'What about the 13 matters of complaint alleged against police officers?', and I have answered that in my ministerial statement: that when those matters were investigated properly (and it is fair to say that there were some criticisms of the earlier investigations) and overseen by the Police Complaints Authority—

The Hon. R.I. Lucas: Not by the NCA though.

The Hon. C.J. SUMNER: The NCA examined three of them and was satisfied that the investigation had been carried out adequately. As I understand it, all of them were the subject of investigation by the Anti-Corruption Branch, or the Internal Affairs Branch and were the subject of reports from the Police Complaints Authority. I am not quite sure what more could be done by the Government to ensure that those matters were properly investigated.

The Hon. R.I. Lucas: Table the report.

The Hon. C.J. SUMNER: He says, 'Table the report.' The honourable member apparently believes that the names of informants and the names of targets should be tabled, and that the names of officers that the National Crime Authority—

The Hon. R.I. Lucas: That is not what Justice Stewart said.

The Hon. C.J. SUMNER: Well, if you want to know about the investigations, then that is—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: You are the ones who are calling for it. Mr Justice Stewart has changed his mind on the tabling of the report.

The Hon. R.I. Lucas: Because he knows what's been going on.

The Hon. C.J. SUMNER: In his document he said that it ought not to be released. That was his first view. Subsequently, in the letter I tabled in this Parliament he said, 'It ought to be subject to appropriate safeguards', or whatever the phrase was that he used. In respect of that, all I can say is that if you want to examine the 13 allegations in the report you will get the names of informants and the names of targets and, frankly, whether or not the report is tabled, there is no way that that information can or ought to be tabled. It would be grossly unfair and could well prejudice future law enforcement mechanisms. So, the fact of the matter is that the question of whether it can be tabled is still under consideration by the Government.

The Hon. R.I. Lucas: When will you give a decision?

The Hon. C.J. SUMNER: Shortly; as soon as we have finished consideration of it.

The Hon. R.I. Lucas: Next week?

The Hon. C.J. SUMNER: I can't guarantee that it will be next week. The reality is that, even if we decided to table it, trying to get it tabled with appropriate safeguards is extraordinarily difficult; that is the reality. As I mentioned, there are informants and targets mentioned in the report. I do not think that section of the report could be tabled.

The Hon. R.I. Lucas: The whole section?

The Hon. C.J. SUMNER: Yes. There are chapters which deal with particular matters, where informants and targets are mentioned.

The Hon. R.I. Lucas: A whole chapter?

The Hon. C.J. SUMNER: Yes, there is a chapter dealing with investigations where targets and informants are mentioned. I do not think it is appropriate to table those. The National Crime Authority's view is that the findings of the Stewart document are unfair to certain individuals. One then has to question whether one can release the parts of the report that reflect adversely on those individuals in light of the fact that the present authority does not believe that those findings are proper.

Are you going to prejudice the careers of those particular people who are mentioned because you table the report? Are you going to delete their names? If you have to delete their names, what other parts of the report do you have to delete in order to ensure that they are not identified? If you delete those parts of the report, does it then make any sense? Or, if you are dealing with the so-called allegations relating to police administration which have been referred to in the official NCA report, how can you edit it, deleting names in a way which protects those people from unfair accusation and unfair comment, given that the National Crime Authority is of the view that the initial document prepared by Justice Stewart is unfair to the individuals named in it in many respects?

What the National Crime Authority says is that the report which it prepared and which I have already made public is

a reasonable report on the Operation Ark matters to be made public. It does not believe that the Stewart document should be made public. Having said that, I believe that it is a matter for Government, but in response to the honourable member's question I have tried to give him some idea of the difficulties that are inherent in an attempt to table a report of this kind. However, the matter is still under consideration.

The Hon. R.I. Lucas: Will you make a decision before the end of the session?

The Hon. C.J. SUMNER: Do you mean before August?

The Hon. R.I. Lucas: No, by 6 April.

The Hon. C.J. SUMNER: I anticipate that we would want to make a decision by that time. It may be that, because there is doubt about the status of the Stewart document (and there is some difference of opinion, obviously, between Stewart and Faris about that particular matter), those matters should be examined by the joint parliamentary committee. Frankly, I think that is the only body that has the capacity to examine those conflicting points of view and perhaps to come to some conclusion, if it feels that it is appropriate. I should say and emphasise in any event that we are not talking about corruption or illegality; there were no findings of that. It is common knowledge, and I have said before, that the Stewart document is more critical of certain police officers and of the South Australian police than is the Faris document, even though the Faris document itself was critical to some extent of the police officers.

However, important issues of principle have to be resolved in this area. I suppose there is on the one side the public interest in knowing what was in the document (despite the fact that Mr Faris says it was not a report of the authority and essentially was a document prepared within the authority which the authority ultimately did not agree with) weighed against whether the tabling of a document such as that would be unfair to the individuals concerned. I am sure that the Leader of the Opposition would not want to be in a position—although he and the Opposition seem to be calling for the tabling of this report—where, in calling for the tabling of the report, his actions caused injustice to individuals who were named in it.

They are the issues that in the final analysis the Government has to resolve and, to say the least, they are not easy. Certain steps may have to be taken before the Government can come to a conclusion on the matter, but I hope I have been able to be as frank as possible with respect to the difficulties that exist in this matter. Clearly, the Government would want to make a decision about it, one way or the other, as soon as practicable.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 21 February. Page 303.)

Motion carried.

The PRESIDENT: I have to inform the Council that His Excellency the Governor has appointed 4.15 p.m. today as the time for the presentation of the Address in Reply to His Excellency's opening speech.

[*Sitting suspended from 3.27 to 4.40 p.m.*]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this Council today, to which His Excellency was pleased to make the following reply:

Thank you for the Address in Reply to the speech with which I opened the first session of the Forty-Seventh Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

ROAD TRAFFIC ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. ANNE LEVY (Minister of Local Government): I move:

That this Bill be now read a second time.

Drink driving remains the single most important cause of road accidents in South Australia. About 50 per cent of fatal and 20-30 per cent of injury accidents involve a driver with an illegal blood alcohol concentration.

It is the Government's policy to prevent accidents involving alcohol by deterring people from driving after drinking. Effective deterrence requires both a high risk of being caught drink driving, and severe consequences if one is caught. Random breath testing (RBT) was introduced to raise the perceived risk of being caught drink driving. After operating at suboptimal levels, RBT was increased in 1987 and was found to have succeeded in deterring drink driving. However, penalties for drink driving have changed little since 1981, and monetary penalties have not changed at all. Work carried out for the Road Safety Division in 1988 showed that drivers believe the penalties for drink driving are no longer of sufficient severity to act as a deterrent. This weakens the impact of RBT, since there is little point in raising the perceived risk of being detected drink driving, if the penalties for detection are thought to be minor. The objective of this Bill is to raise penalties to a level which is sufficient to act as a deterrent to drink driving.

The most effective combination of penalties for drink driving is accepted as being a fine and a period of licence disqualification. For persistent offenders, rehabilitation and/or imprisonment are options. Licence disqualification periods for first offenders were increased on 1 July 1985 and are in line with disqualification periods in other States. However, the fines have not been increased since June 1981.

Since 1981, the consumer price index (CPI) has increased about 80 per cent in Adelaide. The value of the fines in relation to the average wage has almost been halved, which in turn leads to a partial explanation of their perceived lack of severity. The maximum fines which apply in South Australia are low compared with those in other mainland States. In fact, the maximum fines which apply in South Australia are lowest or equal lowest for the mainland States.

Simply increasing fines in line with the CPI is inappropriate. A more valid approach is to set maximum fines in accordance with those accepted and operating nationally. The overall result means that some increases would be slightly less than CPI whilst, for the most serious offences, increases would be considerably greater.

South Australia has minimum as well as maximum fines for drink driving. Minimum fines act as a message to the public and the judiciary about the seriousness with which drink driving is regarded by Parliament. It is proposed that minimum fines also be raised to approximately maintain the percentage relationship to maximum fines. I commend

the Bill to members and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 47 of the principal Act, increasing the fines that can be imposed for the offence of driving under the influence of intoxicating liquor or drugs. Clause 2 also removes the reference in this section to the endorsement of conditions on a driver's licence under section 81a of the Motor Vehicles Act 1959. Section 81a of that Act no longer requires the conditions imposed by the section to be endorsed on a licence.

Clause 3 amends section 47b of the principal Act, increasing the fines that can be imposed for the offence of driving with more than the prescribed concentration of alcohol in the blood. This clause also removes the reference in section 47b to the endorsement of conditions on a driver's licence under section 81a of the Motor Vehicles Act 1959.

Clause 4 amends section 47e of the principal Act, increasing the fines that can be imposed for the offence of refusing or failing to comply with a direction to take an alcotest or breath analysis. Clause 4 also removes a reference in section 47e to the endorsement of conditions on a driver's licence under section 81a of the Motor Vehicles Act 1959.

Clause 5 amends section 47i of the principal Act, increasing the fines that can be imposed for the offence of refusing to submit to the taking of a blood sample. It also corrects an anomaly by extending the existing additional penalty of licence disqualification for a second offence to third and subsequent offences as well. Clause 5 also removes the reference in section 47i to the endorsement of conditions on a driver's licence under section 81a of the Motor Vehicles Act 1959.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

ADJOURNMENT

At 4.45 p.m. the Council adjourned until Tuesday 27 February at 2.15 p.m.